

Henry Brendzel

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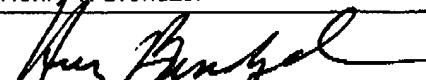
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Date: February 26, 2004	
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Fax: 703-872- 9272 9306	Fax: (973) 467-6589
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Re: Serial No: 09/553,361	Pages: Cover + 16 17

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Complete If Known	
		Application Number	09/553,361
		Filing Date	4/20/2000
		First Named Inventor	Aviel D. Rubin
		Examiner Name	M. Opsasnick
		Group/Art Unit	2655
		Attorney Docket ID	Rubin 1999-0728
Total number of pages in this Submission: this page, plus		1616	

ENCLOSURES (check all that apply)		
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PTO/SB/17 Modified 12/98 - Henry Brendzel

FEE TRANSMITTAL		Complete if Known	
		Application Number	09/553,361
		Filing Date	4/20/2000
		First Named Inventor	Aviel D. Rubin
		Examiner Name	M. Opsasnick
		Group/Art Unit	2655
TOTAL AMOUNT OF PAYMENT	(\$) 196	Attorney Docket ID	Rubin 1999-0728

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FEE CALCULATION							
1. FILING FEE	Fee Description					Fee Paid	
2. CLAIMS		Claims remaining	Highest Paid	Extra	Rate	Amount	Fee Paid
Total No. of Claims		33	34	0	18		
Independent Claims		4	3	1	86	86	
Multiply Dependent Claims							
		SUBTOTAL (2) (\$)					86

FEE CALCULATION (cont.)	
Fee Description	Fee Paid
Extension for response within first month	110
SUBTOTAL (2) (\$)	110

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Rubin 1999-0728

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s)	Aviel D. Rubin Martin J. Strauss	Case Name	Rubin 1999-0728
Filing Date	4/20/2000	Serial No.	09/553,361
Examiner	M. Opsasnick	Group Art Unit	2655
Title	System and Method for Storage and Retrieval of Personal Communications in a Broadband Network		

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SIR:

AMENDMENT

In response to an Office action dated November 12, 2003, please amend the above-identified application as follows:

Rubin 1999-0728

IN THE CLAIMS:

1. (Currently amended) A method executed in a customer premises apparatus of an individual for retaining broadband communications, comprising the steps of:
~~collecting digitized information packets of a communication session intended to communicate with an individual;~~
adding at least a portion of a communication session in which said individual is a participant to a stored corpus of communication sessions; and
~~automatically selecting keywords from, and~~ identifying keywords contained in; said at least a portion of a communication session, with aid of a module that operates without having received a list of said keywords pre-specified by said individual, for creating a database of personal communications of said individual so as to permit subsequently searching through said database to find said at least a portion of said communication session in said stored corpus.
2. (Currently Amended) The method according to claim 1, further comprising the steps of
~~determining if said digitized information packets contain voice information; and~~
converting voice information contained in said communication session digitized information packets into related text information.
3. (Currently amended) The method according to claim 1, where said step of identifying is executed substantially contemporaneously with said step of adding, which occurs during said communication session or at conclusion of said communication session further comprising the step of ~~storing at least said digitized information packets sent by said individual.~~
4. (Currently amended) The method according to claim 3, further comprising the steps of
prompting said individual ~~participating in said communication session to specify determine preferred communication session identification terms and to be additionally used by said module as~~ said keywords; and

Rubin 1999-0728

revising said identification terms and said keywords according to said preferred communication session identification terms and keywords.

5. (Currently amended) The method according to claim 4, wherein said ~~communication session comprises digitized information packets~~ includes outgoing packets ~~for communications~~ sent by said individual and incoming packets for communications sent by a party to said individual.

6. (Currently amended) The method according to claim 5, further comprising the step of:

determining if ~~whether~~ explicit approval has been given by said party to store said incoming packets for communications sent by said party.

7. (Currently Amended) The method according to claim 6, further comprising the step of:

~~appending to said corpus storing to memory~~ at least said outgoing packets ~~of said digitized information packets~~.

8. (Previously amended) The method according to claim 7, further comprising the step of:

determining if said incoming packets for communications sent by said party are to be protected, and if so, protecting said incoming packets so that said individual cannot access said protected communication without an additional granting of permission by said party.

9. (Currently Amended) The method according to claim 8, further comprising the step of:

~~storing~~ appending said incoming packets to said corpus memory.

10. (Currently Amended) The method according to claim 9, further comprising the step of:

Rubin 1999-0728

~~storing to memory~~ appending to said corpus meta information and identification information related to said communication session.

11. (Currently amended) The method according to claim 10, wherein said module identifies words contained in said communication session as keywords that are found in a set of terms collected ~~step of converting of said voice information to text is performed using voice/speech recognition and wherein said step of automatically selecting keywords is performed~~ using artificial intelligence.

12. (Currently amended) The method according to claim 1, further comprising the steps of:

creating said database, and

searching said database to find a communication session according to search terms provided by ~~said system~~ a user of said apparatus.

13. (Currently amended) The method according to claim 12, further comprising the step of:

reconstructing at least a portion of a communication session found by said step of searching from said collected digitized information packets; and

presenting said reconstructed selected communication session to said ~~system~~ user for review.

14. (Currently amended) A system including a personal computer (PC) situated in a non-commercial establishment and adapted to carry a communication session via a network, characterized by:

a user interactive communication session collection and sort module ~~associated with said PC~~, where the module is adapted to collect digitized information packets of said communication session and identifying keywords in text associated with said communication session for populating a database, which keywords are selected based on an ad-hoc keywords approach rather than on ~~an a-priori selection~~ preselected keywords approach.

Rubin 1999-0728

15. (Withdrawn) .

16. (Withdrawn) .

17. (Currently amended) A broadband communication system, comprising:
a personal communication module adapted for personal use by an individual to communicate with another party;
a collection module that collects and stores primarily communication sessions of by said individual ~~selected from the group consisting of telephone calls, multimedia calls, and instant messages~~, and
an analysis module adapted to automatically select keywords from, and identify keywords contained in, said stored communication sessions.

18. (Withdrawn) .

19. (Withdrawn) .

20. (Currently Amended) The system according to claim 17, wherein said communication ~~session~~ is ~~said~~ a telephone call, and speech, by said individual is digitized and packetized.

21. (Currently Amended) The system according to claim 17, further comprising a module for encrypting information originating from said another party ~~wherein said communication session is said multimedia call and speech is digitized and packetized.~~

22. (Withdrawn) .

23. (Currently amended) The system according to claim 17, wherein said collection module ~~determines whether said digitized information packets contain voice information and converts~~ signal to be stored to voice information contained in said

Rubin 1999-0728

~~digitized information packets into~~ text information when said signal represents voice.

24. (Currently Amended) The system according to claim 17 wherein said analysis module creates an indexed database that associates one or more of said keywords with each of said ~~sessions~~ communications that is stored by said collection module.

25. (Previously Amended) The system according to claim 24, wherein the broadband communication system prompts said individual to determine preferred communication session identification terms and said keywords, and revises said identification terms and said keywords according to said preferred communication session identification terms and keywords.

26. (Previously Amended) The system according to claim 25, wherein said digitized information packets includes outgoing packets for communications sent by said individual and incoming packets for communications sent to said individual by a party.

27. (Previously Amended) The system according to claim 26, wherein said personal communication module determines whether approval has been given by said party to store said incoming packets for communications sent by said party.

28. (Withdrawn) .

29. (Withdrawn) .

30. (Withdrawn) .

31. (Withdrawn) .

32. (Previously Amended) The system according to claim 17, wherein said collection module converts said voice information to text using voice/speech recognition;

Rubin 1999-0728

and said analysis module selects keywords using artificial intelligence.

33. (Previously amended) The system according to claim 24, further comprising a search module that searches said database to find a communication session according to search terms provided by said individual.

34. (Currently amended) The system according to claim 33, wherein said search module reconstructs at least a portion of ~~said a~~ communication session found by said search module from stored ~~digitized information packets~~ information and presents said reconstructed communication session to said individual for review.

35. (New) The method of claim 1 where said at least a portion of a communication session is limited to information provided by those parties who participate in said communication session and who permit recording of their information.

36. (New) The method of claim 35 where permission is granted by a party who participates in said communication session through an entry of a code.

37. (New) The method of claim 36 where information provided by parties, other than said individual, who participate in said communication session is included in said at least a portion of a communication session in encrypted form.

38. (New) The method of claim 1 where said step of selecting keywords is limited to keywords contained in information provided by those individuals who participate in said communication session and who permit recording of their information.

39. (New) The method of claim 1, where information in said at least a portion of a communication session belongs solely to said individual.

40. (New) The method of claim 3, further comprising the steps of prompting said individual, following said communication session, to provide

Rubin 1999-0728

keywords to be used by said module in said step of identifying, relative to said communication session.

41 (New) A method executed in an apparatus of an individual, comprising the steps of:

- adding at least a portion of a communication session in which said individual is a participant to a stored corpus of communication sessions;
- when said communication session is concluded, prompting said individual to provide keywords;
- including keywords provided by said individual in response to said prompting in a set of searchable keywords;
- identifying terms contained in said communication session that correspond to keywords in said set of searchable keywords; and
- adding to a database information associating terms in said communication session that correspond to keywords in said set of searchable keywords.

42. (New) The method of claim 41 where said step of including appends the included keywords to keywords already in said set.

Rubin 1999-0728

REMARKS

Claims 1-14, 17, 20-27, and 32-34 were rejected under 35 USC 103 as being unpatentable over Beck et al, US Patent 6,167,395 in view of Flores et al, US Patent 5,216,603. Applicants respectfully traverse.

Beck et al describe a **call center** arrangement that comprises workstations where live agents can conduct person-to-person interactions with customers who wish to interact with the enterprise that engages, or operates, the call center. The call center also includes interactive voice response (IVR) equipment to allow customers to interact with the call center without use of the live agents and, if appropriate, obtain information therefrom. In some circumstances, the calls of customers are recorded and processed so that, at a later time, during a "data mining" session, specialized dialog threads can be created when about a specific *predefined* issue, or issue set, to thereby link a plurality of stored call sessions. The dialog threads are presented to the agents at the workstations in order to allow the agents to provide service more effectively.

Operation of the call center is controlled by a customer-interaction network operating system (CINOS) and this operating system (OS) has specific described functions, among which are capturing, analyzing, routing, and reporting (col. 7, lines 54-58). During capturing, the voice interaction is recorded and, simultaneously, a text version of the call is created. See steps 105 and 107 in FIG. 3 and associated text. Thereafter, in step 109, the text version is analyzed with "data mining" modules (as indicated above) to augment the knowledge base about calls that are already stored in the system. Similar behavior is carried out in steps 111, 113, and 115.

One aspect of the Beck et al description is that the analysis is focused on what the customers want, and there is no explicit teaching that the voice utterances and other information that is provided by the call center's operators is analyzed.

Another aspect of the Beck et al description is that it has no teaching of any explicit asking of customers for permission to record information, and no teaching of what happens when a permission is withheld.

Still another aspect of the Beck et al operation is that the call center is an enterprise system; not a customer premises apparatus of an individual.

The Examiner admits that Beck et al does not explicitly teach creating a database

Rubin 1999-0728

that contains selected keywords of a communication session, but asserts that Flores et al teach keyword association with present and past conversations. Applicants respectfully submit that even Flores et al teach what the Examiner asserts that they teach, applicants' claims are still not obvious in view of the two references because the significant differences between the subject claims and the Beck et al reference are not directed to that which the Examiner asserts that Flores et al teach. Therefore, the Flores et al reference does not supply that which is missing in the Beck et al reference and, consequently, the combination of the Beck et al reference and the Flores et al reference does not anticipate the subject claims.

Specifically, relative to amended claim 1, it specifies, *inter alia*, the step of identifying keywords contained in; said communication session, with aid of a module that operates without having received a list of said keywords pre-specified by said individual, for creating a database so as to permit subsequently searching through said database to find said communication session in said stored version (emphasis supplied)

In contradistinction, Beck et al describe a system where there is no teaching of the data mining modules, but it is fairly clear that whatever modules are employed, they detect appearance of text (in, for example, speech converted to text) that matches predefined issues or issue sets. In other words, amended claim 1 defines a step of identifying keywords that is diametrically opposite to the corresponding step in Beck et al. Hence, it is respectfully submitted that amended claim 1 is not obvious in view of the Beck et al and Flores et al combination of references.

Additionally, the method defined in amended claim 1 is specifies to be executed in a "customer premises apparatus of an individual" that actively participates in the communication sessions. In Beck et al, in contradistinction, the method is executed in a call center's system, which is a system of an enterprise and not a "customer premises apparatus of an individual." This constitutes another reason to hold that claim 1 is not obvious in view of the Beck et al and Flores et al combination of references.

Previously presented dependent claims 2-14, and new dependent claims 35-40 depend on claim 1 and, therefore, applicants believed that these claims are also not obvious in view of the Beck et al and Flores et al combination of references.

Moreover, at least some of the dependent claims contain limitations that make those claims independently patentable over the Beck et al and Flores et al combination of

Rubin 1999-0728

references.

Claim 4 specifies prompting of the individual to specify terms to be used as keywords. Applicants respectfully submit that there is no teaching in either of the references of such prompting. The Examiner points to the Beck et al abstract's reference to "analyzing association criteria and making a selection based on that criteria" (page 3 of the Office Action), and the abstract does state that the described multimedia call center has "a search function that searches accessed data for association criteria" (abstract, lines 6-7). However, neither this phrase nor any other passage in the abstract contains any teaching as to the source of the association criteria, and certainly not that such association criteria (or keywords) are obtained from (a) the individual and (b) in response to a prompt. Therefore, amended claim 4 specifies a limitation that is clearly not found or suggested in the Beck et al and Flores et al combination of references.

Regarding claim 6, which illustratively pertains to an explicit approval to record another party's conversation, the Examiner points to the "logging into a network via password protection" that is shown in FIG. 6. Respectfully, the log-in step that is shown in FIG. 6 relates to a situation where a visitor wishes to be a client (see col. 18, lines 11 et seq.) and to perhaps obtain some information. It has nothing to do with permission granted to record a conversation – which in many US jurisdictions is legally required. Hence, applicants believe that claim 6 is not obvious in view of the Beck et al and Flores et al combination of references.

Regarding claim 8, the Examiner points to col. 25, line 60 through col. 26, line 17. The cited passage addresses the abilities of customer-users who call in to access information. That is clearly not what claim 8 addresses. Rather, the converse, claim 8 protects data that was sent to the apparatus from outside the apparatus. This is akin to protecting information provided BY the customer users from access by the call center's operators/administrators/owners. No such notion is present in the cited passage or elsewhere in Beck et al. Therefore, it is believed that claim 8 is not obvious in view of the Beck et al and Flores et al combination of references.

As for claim 11, which specifies that the terms that constitute the keywords are collected using artificial intelligence, the Examiner asserts that Beck et al teach voice/speech recognition to convert to text using keywords, citing col. 21, lines 35-47.

Rubin 1999-0728

Applicants respectfully traverse. First, the cited passage states:

An intelligent peripheral in the form of a COST IVR 177 is provided for the purpose of interacting with callers seeking information and the like who do not require connection to a live agent. IVR technology may comprise voice response, touch tone interaction, or a combination of these technologies. IVR 177 is linked to processor 179 and also to automated services 193. An example of an IVR interaction may be the presentation to a caller of options for using an automated service such as those described above, or perhaps waiting for a live agent.

As can be seen from even a quick reading of the passage, voice or speech recognition is not mentioned, and nor are keywords. Second, applicants respectfully submit that Beck et al do not teach the notion of converting speech to text using keywords. Third, nowhere in the Beck et al reference is there a mention of artificial intelligence – relative to keyword selections, or otherwise. Therefore, it is respectfully submitted that claim 11 contains a limitation that independently forms a reason to hold the claim not obvious in view of the Beck et al and Flores et al combination of references.

As for claim 12, the Examiner points to FIG. 7 for its alleged teaching of searching the database. Applicants respectfully traverse. The most that can be said is that FIG. 7 shows the existence of an MIS database segment in a storage device, and a text-based data segment in the storage device. Respectfully, having data in a storage device does not *ipso facto* teach searching through the data. Moreover, claim 11 does not merely specify searching a database. Rather, it specifies searching the database to find a communication session according to search terms provided by a user of the apparatus. FIG. 7 does not teach this, and neither does any text passage of the Beck et al reference. It is respectfully submitted, therefore, the claim 12 presents a limitation that forms an independent reason to hold the claim not obvious in view of the Beck et al and Flores et al combination of references.

New claim 35 focuses on permission granted by parties to the communication. As indicated above, Beck et al have no notion of permission granted by customer users.

New claim 36 specifies an entry of a code by a party as an indication of a permission to record that party's communication. As indicated above, Beck et al have no such notion, and the password mentioned by Beck et al is, at best, a code that is provided in an effort by the customer party to get information, rather than a permission for the call center to have permission to analyze and record the customer's information.

Rubin 1999-0728

New claim 37 specifies encrypting information. No such notion is present in Beck et al.

New claim 38 specifies that the keywords are limited to information provides by the individual who owns the apparatus. This is akin to specifying that the "association criteria" of Beck et al are limited to information provided by the call center's operators. Clearly, no such notion is present in or suggested by Beck et al.

New claim 39 limits the recording only to the individual. This is akin to recording only the information originating from the call center's operators. Clearly, no such notion is present in or suggested by Beck et al.

New claim 40 specifies prompting the individual for key words (a notion addressed in connection with claim 4), and specifies a particular timing for such prompting ("following said communication session"). No such notion is present in or suggested by Beck et al.

As for claim 14, applicants respectfully direct the Examiner's attention to the phrase "which keywords are selected based on an ad-hoc keywords approach rather than on preselected keywords approach" (emphasis supplied), and to the arguments presented in connection with claim 1. Applicants respectfully submit that Beck et al in combination with Flores et al employ a preselected keywords approach and not an ad-hoc keywords approach and, therefore, claim 14 is not obvious in view of the Beck et al and Flores et al combination of references.

Independent claim 17 specifies that the information that is stored is "primarily communication by said individual." To correspond to the Beck et al teachings, that would mean that the information stored by the Beck et al system would be primarily information originating from the call center operators. That is clearly not what Beck et al teach. Therefore, it is respectfully submitted that claim 17 is not obvious in view of the Beck et al and Flores et al combination of references.

Claims 20, 21, 23-27, 32-34 depend on claim 17 and are, therefore, believed to also not be obvious in view of the Beck et al and Flores et combination of references.

It is noted, additionally, that claim 21 specifies encrypting of information originating from a party other than the individual who owns the apparatus. In the Beck et al system this would correspond to encrypting of information obtained from the customers.

Rubin 1999-0728

No encrypting whatsoever is discussed in the Beck et al reference. Accordingly, it is respectfully submitted that claim 21 contains a limitation that independently leads to the conclusion that the claim is not obvious in view of the Beck et al and Flores et al combination of references.

As for claims 25, 27, 32, and 33, the Examiner's attention is directed to the arguments offered in connection with claim 4, 8, 11, and 12 respectively.

New Claim 41 recites a number of the limitations discussed above, which are not found in either Beck et al or in Flores. It is respectfully submitted that claim 42, which depends on claim 41 are not obvious in view of the Beck et al and Flores et al combination of references.

In light of the above amendments and remarks, applicants respectfully submit that all of the Examiner's rejections have been overcome. Reconsideration, and allowance of the remaining claims are respectfully solicited.

Dated: 2/26/04

Respectfully,
Aviel D. Rubin
Martin J. Strauss

By 

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